

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE WORLD TRADE CENTER
DISASTER SITE LITIGATION

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**SECOND ORDER REGULATING
PRELIMINARY DISCOVERY
PROCEEDINGS**

: 21 MC 100 (AKH)
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ALVIN K. HELLERSTEIN, U.S.D.J.:

The parties in this litigation appeared before me on January 11, 2007 for a status conference, the principal purpose of which was to consider how to proceed with discovery.

Having conferred with the parties, I rule as follows:

1. Discovery shall first be made in response to the Core Discovery demands propounded in draft form by the Court. The parties shall file comments respecting the Court's draft by January 22, 2007, and shall respond to the other's comments by January 25, 2007. The Court will issue an order regulating Core Discovery following consideration of the parties' submissions. The parties shall file sworn responses to the Demands within 30 days thereafter. To the extent that Core Discovery does not embrace Plaintiffs' First Set of Insurance Interrogatories, ¶¶ 2, 3, 4, and 5, those questions and demands shall also require Defendants' sworn responses, on the same said dates. Defendants' objections to the remainder of Plaintiffs' discovery demands are sustained.

2. Defendants shall file a report describing the steps taken to preserve documents relevant to this litigation by January 25, 2007. Any comments by Plaintiffs are due by February 1, 2007.

3. Mr. Hopkins and Mr. Napoli, and others wishing to be involved, shall meet with the Special Masters on a proximate convenient date, scheduled by the Special Masters,

to discuss the retention of computer systems experts, and the creation of a computer system to store and organize the information associated with these cases. The system will be capable of storing and organizing information, and making such information readily available to the Court and to the parties, as initially established to identify the cases filed and all pertinent information about those cases, and the discovery had and to be had in the litigation.

4. The parties, with the Special Masters, on call of the Special Masters, shall develop criteria for a committee of experts to guide the Court in developing and regulating essential discovery on the topics relevant to the litigation—for example, air quality at the World Trade Center sites during the period following September 11, 2001 and until the completion of clean-up operations, protective devices claimed to have been made available to workers, causal effect of toxins on workers, and diseases and ailments reported by workers.

5. The briefing previously requested by the Court on the question of recovery ceilings is deferred until further notice.

6. The status conference previously scheduled for February 8, 2007 at 3:00p.m. is canceled. The parties shall appear for a status conference on March 16, 2007 at 1:00p.m.

SO ORDERED.

Dated: January 12, 2007
New York, New York



ALVIN K. HELLERSTEIN
United States District Judge